

U.S. ARMY CORPS OF ENGINEERS

2017 Nationwide Permit

All of Texas and Galveston District

Regional General Conditions

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US Army Corps of Engineers
BUILDING STRONG®



Agenda

- Introduction
- Discussion of purpose of Regional General Conditions in the Nationwide Permit program
- Comparison between 2012 and 2017 Regional General Conditions
- How to comment on the 2017 NWP's
- Summary



Important Note

The Galveston District is providing this presentation as a complement to the Public Notice. The purpose of this meeting is informational and not for the solicitation of comments.

This District will not be recording comments raised during this presentation in the administrative record; comments must be submitted in writing prior to the close of the public notice.



Introduction

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.



Introduction Cont.

Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that the adverse environmental effects of activities authorized by the NWP's are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWP's in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWP's may be more than minimal.



Public Notice(s)

- On June 7th, the Texas District published a joint Public Notice to solicit comments on the proposed 2017 NWP Regional General Conditions.
- FYI...On June 1st the U.S. Army Corps of Engineers published in the *Federal Register* its proposal to reissue the 50 existing nationwide permits (NWPs) and issue two new



2017 Regional Conditions

- There are **5** Regional General Conditions proposed for the entire State of Texas
- Galveston District is proposing **12** additional Regional General Conditions specific to the District's geographic region.
- Fort Worth, Tulsa, and Albuquerque Districts have also proposed Regional General Conditions for their Districts.



Changes to All of Texas Regional Conditions

- 2012 Regional Condition (RC) #1 is redundant to General Condition 23. Deleted.
- 2012 RC #2 rewritten to include NWP 49 and simplify the description of a pitcher bog and cypress-tupelo swamp. (now 2017 RC #1)
- 2012 RC #3 is redundant to NWP 12 PCN Criterion #1. Re-written to require PCN for scrub/shrub.
- 2012 RC # 4 Re-written to require 401-cert for complete PCN. (now 2017 RC # 2)



New all of Texas Regional Conditions

- RC # 4 requires pre-construction notification for use of NWPs in compensatory mitigation sites.
- RC # 5 requires BMPs for all NWPs to reduce the risk of transferring invasive plant and animal species to or from palustrine and/or lacustrine project sites.



Changes to Galveston Only Regional Conditions

- Galveston District Regional Conditions are now number 6-17, previously 11-17.
- NWP 6 will no longer be revoked in marine systems; instead, the Corps will coordinate with the National Marine Fisheries Service in accordance with NWP General Condition 31(d) (Pre-Construction Notification).
- Definitions of mangrove and dune swale wetlands were clarified.



New Galveston District Regional Conditions

- RC # 3 will require a PCN and stream mitigation at a minimum of 1:1 for losses greater than 300 feet.
- RC #s 14 & 15 require compliance with existing setback standard operating procedures for the Sabine-Neches and GIWW federal projects.
- RC # 16 will require a cover depth of 48 inches for all NWP 12s crossing non-navigable rivers and perennial streams.
- RC # 17 will require a finalized jurisdictional determination prior to a PCN being considered complete.



Other Districts

- The Galveston District is not presenting Fort Worth, Tulsa, or Albuquerque Regional Conditions.
- Points-of-Contact for other Districts
 - ▶ Fort Worth - Mr. Darvin Messer
 - ▶ Tulsa – Mr. David Carraway
 - ▶ Albuquerque – Ms. Kelly Allen



Summary

- The Districts have strived to remove redundancy, simplify and clarify language, and develop regional conditions that assures impacts associated with the Nationwide Permit Program are no more than minimal, individually and cumulatively.
- After the final NWPs are issued, the final regional conditions will be issued after they are approved by the Southwestern Division Commander. (approximately February 2017)



Regional Conditions Public Notice

A joint Public Notice was published June 6th including an enclosure for listing the proposed regional conditions currently under consideration by the Southwestern Division and South Pacific Division for Albuquerque District, Fort Worth District, Galveston District and Tulsa District. As the lead District for the Corps' Regulatory program in Texas, the Galveston District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWP's are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in Texas.

Comments relating to regional conditions are due by July 22, 2016.



2017 NWP Comments

The *Federal Register* notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2015-0017 at www.regulations.gov, or by email to NWP2017@usace.army.mil or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000.

Comments on the proposed NWPs are due by August 1, 2016.



Guide to NWP Changes

- If you would like a guide on the changes between the 2012 NWPs and the proposed 2017 NWPs, please see:
- http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_sumtable_draft_May2016.pdf



Questions



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